

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Statement of Issues Against:

NORA KORIN CORDERO
a.k.a. NORA KORIN ROSEMEYER

Registered Nurse License Applicant

Respondent

Case No. 2013-406

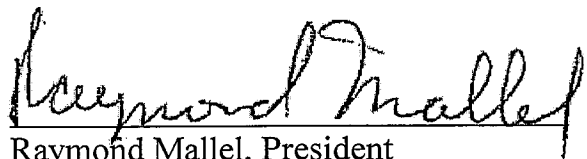
OAH No. 2012120885

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective on **April 19, 2013**.

IT IS SO ORDERED **March 20, 2013**.



Raymond Mallel, President
Board of Registered Nursing
Department of Consumer Affairs
State of California

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6 **BEFORE THE**
BOARD OF REGISTERED NURSING
7 **• DEPARTMENT OF CONSUMER AFFAIRS**
8 **STATE OF CALIFORNIA**

9 In the Matter of the Statement of Issues
Against:

Case No. 2013-406

10 **NORA KORIN CORDERO,**
11 **A.K.A. NORA KORIN ROSEMEYER**
12 **20 Day Street**
San Francisco, CA 94110

OAH No. 2012120885

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

13 Applicant/Respondent.
14

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16 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
17 entitled proceedings that the following matters are true:

18 PARTIES

19 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Executive Officer of the Board of
20 Registered Nursing. She brought this action solely in her official capacity and is represented in
21 this matter by Kamala D. Harris, Attorney General of the State of California, by Frank H. Pacoe,
22 Supervising Deputy Attorney General.

23 2. Respondent Nora Korin Cordero, a.k.a. Nora Korin Rosemeyer (Respondent) is
24 representing herself in this proceeding and has chosen not to exercise her right to be represented
25 by counsel.

26 3. On or about May 2, 2012, Respondent filed an application dated March 28, 2012,
27 with the Board of Registered Nursing to obtain a Registered Nurse License.

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1 immediately be revoked, the order of revocation stayed and Respondent placed on probation for a
2 period of three (3) years on the following conditions:

3 **Severability Clause.** Each condition of probation contained herein is a separate and
4 distinct condition. If any condition of this Order, or any application thereof, is declared
5 unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other
6 applications thereof, shall not be affected. Each condition of this Order shall separately be valid
7 and enforceable to the fullest extent permitted by law.

8 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws. A full and
9 detailed account of any and all violations of law shall be reported by Respondent to the Board in
10 writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with
11 this condition, Respondent shall submit completed fingerprint forms and fingerprint fees within
12 45 days of the effective date of the decision, unless previously submitted as part of the licensure
13 application process.

14 **Criminal Court Orders:** If Respondent is under criminal court orders, including
15 probation or parole, and the order is violated, this shall be deemed a violation of these probation
16 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

17 2. **Comply with the Board's Probation Program.** Respondent shall fully comply with
18 the conditions of the Probation Program established by the Board and cooperate with
19 representatives of the Board in its monitoring and investigation of the Respondent's compliance
20 with the Board's Probation Program. Respondent shall inform the Board in writing within no
21 more than 15 days of any address change and shall at all times maintain an active, current license
22 status with the Board, including during any period of suspension.

23 Upon successful completion of probation, Respondent's license shall be fully restored.

24 3. **Report in Person.** Respondent, during the period of probation, shall appear in
25 person at interviews/meetings as directed by the Board or its designated representatives.

26 4. **Residency, Practice, or Licensure Outside of State.** Periods of residency or
27 practice as a registered nurse outside of California shall not apply toward a reduction of this
28 probation time period. Respondent's probation is tolled, if and when she resides outside of

1 California. Respondent must provide written notice to the Board within 15 days of any change of
2 residency or practice outside the state, and within 30 days prior to re-establishing residency or
3 returning to practice in this state.

4 Respondent shall provide a list of all states and territories where she has ever been licensed
5 as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide
6 information regarding the status of each license and any changes in such license status during the
7 term of probation. Respondent shall inform the Board if she applies for or obtains a new nursing
8 license during the term of probation.

9 **5. Submit Written Reports.** Respondent, during the period of probation, shall submit
10 or cause to be submitted such written reports/declarations and verification of actions under
11 penalty of perjury, as required by the Board. These reports/declarations shall contain statements
12 relative to Respondent's compliance with all the conditions of the Board's Probation Program.
13 Respondent shall immediately execute all release of information forms as may be required by the
14 Board or its representatives.

15 Respondent shall provide a copy of this Decision to the nursing regulatory agency in every
16 state and territory in which she has a registered nurse license.

17 **6. Function as a Registered Nurse.** Respondent, during the period of probation, shall
18 engage in the practice of registered nursing in California for a minimum of 24 hours per week for
19 6 consecutive months or as determined by the Board.

20 For purposes of compliance with the section, "engage in the practice of registered nursing"
21 may include, when approved by the Board, volunteer work as a registered nurse, or work in any
22 non-direct patient care position that requires licensure as a registered nurse.

23 The Board may require that advanced practice nurses engage in advanced practice nursing
24 for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

25 If Respondent has not complied with this condition during the probationary term, and
26 Respondent has presented sufficient documentation of her good faith efforts to comply with this
27 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an
28 extension of Respondent's probation period up to one year without further hearing in order to

1 comply with this condition. During the one year extension, all original conditions of probation
2 shall apply.

3 7. **Employment Approval and Reporting Requirements.** Respondent shall obtain
4 prior approval from the Board before commencing or continuing any employment, paid or
5 voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
6 performance evaluations and other employment related reports as a registered nurse upon request
7 of the Board.

8 Respondent shall provide a copy of this Decision to her employer and immediate
9 supervisors prior to commencement of any nursing or other health care related employment.

10 In addition to the above, Respondent shall notify the Board in writing within seventy-two
11 (72) hours after she obtains any nursing or other health care related employment. Respondent
12 shall notify the Board in writing within seventy-two (72) hours after she is terminated or
13 separated, regardless of cause, from any nursing, or other health care related employment with a
14 full explanation of the circumstances surrounding the termination or separation.

15 8. **Supervision.** Respondent shall obtain prior approval from the Board regarding
16 Respondent's level of supervision and/or collaboration before commencing or continuing any
17 employment as a registered nurse, or education and training that includes patient care.

18 Respondent shall practice only under the direct supervision of a registered nurse in good
19 standing (no current discipline) with the Board of Registered Nursing, unless alternative methods
20 of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are
21 approved.

22 Respondent's level of supervision and/or collaboration may include, but is not limited to the
23 following:

24 (a) Maximum - The individual providing supervision and/or collaboration is present in
25 the patient care area or in any other work setting at all times.

26 (b) Moderate - The individual providing supervision and/or collaboration is in the patient
27 care unit or in any other work setting at least half the hours Respondent works.

28 (c) Minimum - The individual providing supervision and/or collaboration has person-to-

1 person communication with Respondent at least twice during each shift worked.

2 (d) Home Health Care - If Respondent is approved to work in the home health care
3 setting, the individual providing supervision and/or collaboration shall have person-to-person
4 communication with Respondent as required by the Board each work day. Respondent shall
5 maintain telephone or other telecommunication contact with the individual providing supervision
6 and/or collaboration as required by the Board during each work day. The individual providing
7 supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to
8 patients' homes visited by Respondent with or without Respondent present.

9 9. **Employment Limitations.** Respondent shall not work for a nurse's registry, in any
10 private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse,
11 or for an in-house nursing pool.

12 Respondent shall not work for a licensed home health agency as a visiting nurse unless the
13 registered nursing supervision and other protections for home visits have been approved by the
14 Board. Respondent shall not work in any other registered nursing occupation where home visits
15 are required.

16 Respondent shall not work in any health care setting as a supervisor of registered nurses.
17 The Board may additionally restrict Respondent from supervising licensed vocational nurses
18 and/or unlicensed assistive personnel on a case-by-case basis.

19 Respondent shall not work as a faculty member in an approved school of nursing or as an
20 instructor in a Board approved continuing education program.

21 Respondent shall work only on a regularly assigned, identified and predetermined
22 worksite(s) and shall not work in a float capacity.

23 If Respondent is working or intends to work in excess of 40 hours per week, the Board may
24 request documentation to determine whether there should be restrictions on the hours of work.

25 10. **Complete a Nursing Course(s).** Respondent, at her own expense, shall enroll and
26 successfully complete a course(s) relevant to the practice of registered nursing no later than six
27 months prior to the end of her probationary term.

28 Respondent shall obtain prior approval from the Board before enrolling in the course(s).

1 Respondent shall submit to the Board the original transcripts or certificates of completion for the
2 above required course(s). The Board shall return the original documents to Respondent after
3 photocopying them for its records.

4 **11. Violation of Probation.** If Respondent violates the conditions of her probation, the
5 Board after giving Respondent notice and an opportunity to be heard, may set aside the stay order
6 and impose the stayed discipline (revocation/suspension) of Respondent's license.

7 If during the period of probation, an accusation or petition to revoke probation has been
8 filed against Respondent's license or the Attorney General's Office has been requested to prepare
9 an accusation or petition to revoke probation against Respondent's license, the probationary
10 period shall automatically be extended and shall not expire until the accusation or petition has
11 been acted upon by the Board.

12 **12. License Surrender.** During Respondent's term of probation, if she ceases practicing
13 due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation,
14 Respondent may surrender her license to the Board. The Board reserves the right to evaluate
15 Respondent's request and to exercise its discretion whether to grant the request, or to take any
16 other action deemed appropriate and reasonable under the circumstances, without further hearing.
17 Upon formal acceptance of the tendered license and wall certificate, Respondent will no longer be
18 subject to the conditions of probation.

19 Surrender of Respondent's license shall be considered a disciplinary action and shall
20 become a part of Respondent's license history with the Board. A registered nurse whose license
21 has been surrendered may petition the Board for reinstatement no sooner than the following
22 minimum periods from the effective date of the disciplinary decision:

23 (1) Two years for reinstatement of a license that was surrendered for any reason other
24 than a mental or physical illness; or

25 (2) One year for a license surrendered for a mental or physical illness.

26 **13. Physical Examination.** Within 45 days of the effective date of this Decision,
27 Respondent, at her expense, shall have a licensed physician, nurse practitioner, or physician
28 assistant, who is approved by the Board before the assessment is performed, submit an

1 assessment of the Respondent's physical condition and capability to perform the duties of a
2 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If
3 medically determined, a recommended treatment program will be instituted and followed by the
4 Respondent with the physician, nurse practitioner, or physician assistant providing written reports
5 to the Board on forms provided by the Board.

6 If Respondent is determined to be unable to practice safely as a registered nurse, the
7 licensed physician, nurse practitioner, or physician assistant making this determination shall
8 immediately notify the Board and Respondent by telephone, and the Board shall request that the
9 Attorney General's office prepare an accusation or petition to revoke probation. Respondent shall
10 immediately cease practice and shall not resume practice until notified by the Board. During this
11 period of suspension, Respondent shall not engage in any practice for which a license issued by
12 the Board is required until the Board has notified Respondent that a medical determination
13 permits Respondent to resume practice. This period of suspension will not apply to the reduction
14 of this probationary time period.

15 If Respondent fails to have the above assessment submitted to the Board within the 45-day
16 requirement, Respondent shall immediately cease practice and shall not resume practice until
17 notified by the Board. This period of suspension will not apply to the reduction of this
18 probationary time period. The Board may waive or postpone this suspension only if significant,
19 documented evidence of mitigation is provided. Such evidence must establish good faith efforts
20 by Respondent to obtain the assessment, and a specific date for compliance must be provided.
21 Only one such waiver or extension may be permitted.

22 **14. Participate in Treatment/Rehabilitation Program for Chemical Dependence.**

23 Respondent, at her expense, shall successfully complete during the probationary period or shall
24 have successfully completed prior to commencement of probation a Board-approved
25 treatment/rehabilitation program of at least six months duration. As required, reports shall be
26 submitted by the program on forms provided by the Board. If Respondent has not completed a
27 Board-approved treatment/rehabilitation program prior to commencement of probation,
28 Respondent, within 45 days from the effective date of the decision, shall be enrolled in a program.

1 If a program is not successfully completed within the first nine months of probation, the Board
2 shall consider Respondent in violation of probation.

3 Based on Board recommendation, each week Respondent shall be required to attend at least
4 one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics Anonymous,
5 Alcoholics Anonymous, etc.) and a nurse support group as approved and directed by the Board.
6 If a nurse support group is not available, an additional 12-step meeting or equivalent shall be
7 added. Respondent shall submit dated and signed documentation confirming such attendance to
8 the Board during the entire period of probation. Respondent shall continue with the recovery plan
9 recommended by the treatment/rehabilitation program or a licensed mental health examiner
10 and/or other ongoing recovery groups.

11 **15. Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent shall
12 completely abstain from the possession, injection or consumption by any route of all controlled
13 substances and all psychotropic (mood altering) drugs, including alcohol, except when the same
14 are ordered by a health care professional legally authorized to do so as part of documented
15 medical treatment. Respondent shall have sent to the Board, in writing and within fourteen (14)
16 days, by the prescribing health professional, a report identifying the medication, dosage, the date
17 the medication was prescribed, the Respondent's prognosis, the date the medication will no
18 longer be required, and the effect on the recovery plan, if appropriate.

19 Respondent shall identify for the Board a single physician, nurse practitioner or physician
20 assistant who shall be aware of Respondent's history of substance abuse and will coordinate and
21 monitor any prescriptions for Respondent for dangerous drugs, controlled substances or mood-
22 altering drugs. The coordinating physician, nurse practitioner, or physician assistant shall report
23 to the Board on a quarterly basis Respondent's compliance with this condition. If any substances
24 considered addictive have been prescribed, the report shall identify a program for the time limited
25 use of any such substances.

26 The Board may require the single coordinating physician, nurse practitioner, or physician
27 assistant to be a specialist in addictive medicine, or to consult with a specialist in addictive
28 medicine.

1 16. **Submit to Tests and Samples.** Respondent, at her expense, shall participate in a
2 random, biological fluid testing or a drug screening program which the Board approves. The
3 length of time and frequency will be subject to approval by the Board. Respondent is responsible
4 for keeping the Board informed of Respondent's current telephone number at all times.
5 Respondent shall also ensure that messages may be left at the telephone number when she is not
6 available and ensure that reports are submitted directly by the testing agency to the Board, as
7 directed. Any confirmed positive finding shall be reported immediately to the Board by the
8 program and Respondent shall be considered in violation of probation.

9 In addition, Respondent, at any time during the period of probation, shall fully cooperate
10 with the Board or any of its representatives, and shall, when requested, submit to such tests and
11 samples as the Board or its representatives may require for the detection of alcohol, narcotics,
12 hypnotics, dangerous drugs, or other controlled substances.

13 If Respondent has a positive drug screen for any substance not legally authorized and not
14 reported to the coordinating physician, nurse practitioner, or physician assistant, and the Board
15 files a petition to revoke probation or an accusation, the Board may suspend Respondent from
16 practice pending the final decision on the petition to revoke probation or the accusation. This
17 period of suspension will not apply to the reduction of this probationary time period.

18 If Respondent fails to participate in a random, biological fluid testing or drug screening
19 program within the specified time frame, Respondent shall immediately cease practice and shall
20 not resume practice until notified by the Board. After taking into account documented evidence
21 of mitigation, if the Board files a petition to revoke probation or an accusation, the Board may
22 suspend Respondent from practice pending the final decision on the petition to revoke probation
23 or the accusation. This period of suspension will not apply to the reduction of this probationary
24 time period.

25 17. **Mental Health Examination.** Respondent shall, within 45 days of the effective date
26 of this Decision, have a mental health examination including psychological testing as appropriate
27 to determine her capability to perform the duties of a registered nurse. The examination will be
28 performed by a psychiatrist, psychologist or other licensed mental health practitioner approved by

1 the Board. The examining mental health practitioner will submit a written report of that
2 assessment and recommendations to the Board. All costs are the responsibility of Respondent.
3 Recommendations for treatment, therapy or counseling made as a result of the mental health
4 examination will be instituted and followed by Respondent.

5 If Respondent is determined to be unable to practice safely as a registered nurse, the
6 licensed mental health care practitioner making this determination shall immediately notify the
7 Board and Respondent by telephone, and the Board shall request that the Attorney General's
8 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease
9 practice and may not resume practice until notified by the Board. During this period of
10 suspension, Respondent shall not engage in any practice for which a license issued by the Board
11 is required, until the Board has notified Respondent that a mental health determination permits
12 Respondent to resume practice. This period of suspension will not apply to the reduction of this
13 probationary time period.

14 If Respondent fails to have the above assessment submitted to the Board within the 45-day
15 requirement, Respondent shall immediately cease practice and shall not resume practice until
16 notified by the Board. This period of suspension will not apply to the reduction of this
17 probationary time period. The Board may waive or postpone this suspension only if significant,
18 documented evidence of mitigation is provided. Such evidence must establish good faith efforts
19 by Respondent to obtain the assessment, and a specific date for compliance must be provided.
20 Only one such waiver or extension may be permitted.

21 **18. Therapy or Counseling Program.** Respondent, at her expense, shall participate in
22 an on-going counseling program until such time as the Board releases her from this requirement
23 and only upon the recommendation of the counselor. Written progress reports from the counselor
24 will be required at various intervals.

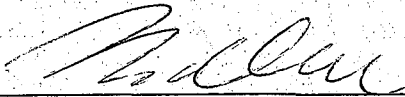
25 26 ACCEPTANCE

27 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
28 stipulation and the effect it will have on my Registered Nurse License. I enter into this

1 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree
2 to be bound by the Decision and Order of the Board of Registered Nursing.

3
4 DATED:

1/7/13


NORA KORIN CORDERO,
A.K.A. NORA KORIN ROSEMEYER
Respondent

7
8 ENDORSEMENT

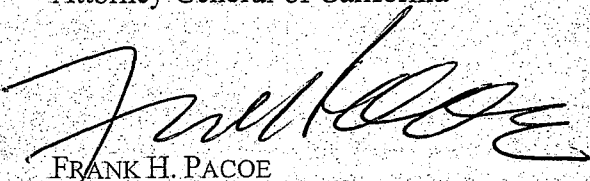
9 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
10 submitted for consideration by the Board of Registered Nursing of the Department of Consumer
11 Affairs.

12 Dated:

1-9-13

Respectfully submitted,

13 KAMALA D. HARRIS
14 Attorney General of California

15 
16 FRANK H. PACOE
17 Supervising Deputy Attorney General
18 Attorneys for Complainant

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21 SD2012704122
40633777.doc

Exhibit A

Statement of Issues No. 2013-406

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Attorneys for Complainant

8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
10 **STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues
12 Against:

Case No. 2013-406

13 **NORA KORIN CORDERO,**
14 **aka NORA KORIN ROSEMEYER**

STATEMENT OF ISSUES

15 **Registered Nurse License Applicant**

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Statement of Issues solely in
21 her official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about May 2, 2012, the Board of Registered Nursing, Department of Consumer
24 Affairs received an application for a Registered Nurse License from Nora Korin Cordero, also
25 known as Nora Korin Rosemeyer (Respondent). On or about March 28, 2012, Nora Korin
26 Cordero certified under penalty of perjury to the truthfulness of all statements, answers, and
27 representations in the application. The Board denied the application on July 11, 2012.

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JURISDICTION

3. This Statement of Issues is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2736 of the Code provides, in pertinent part, that the Board may deny a license when it finds that the applicant has committed any acts constituting grounds for denial of licensure under section 480 of that Code.

STATUTORY PROVISIONS

5. Section 475 of the Code states:

(a) Notwithstanding any other provisions of this code, the provisions of this division shall govern the denial of licenses on the grounds of:

(1) Knowingly making a false statement of material fact, or knowingly omitting to state a material fact, in an application for a license.

(2) Conviction of a crime.

(3) Commission of any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or another, or substantially injure another.

(4) Commission of any act which, if done by a licensee of the business or profession in question, would be grounds for suspension or revocation of license.

(b) Notwithstanding any other provisions of this code, the provisions of this division shall govern the suspension and revocation of licenses on grounds specified in paragraphs (1) and (2) of subdivision (a).

(c) A license shall not be denied, suspended, or revoked on the grounds of a lack of good moral character or any similar ground relating to an applicant's character, reputation, personality, or habits.

6. Section 480 of the Code states:

(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

(2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another.

1 (3)(A) Done any act that if done by a licentiate of the business or profession in
2 question, would be grounds for suspension or revocation of license.

3 (B) The board may deny a license pursuant to this subdivision only if the crime
4 or act is substantially related to the qualifications, functions, or duties of the business
5 or profession for which application is made.

6 (b) Notwithstanding any other provision of this code, no person shall be denied
7 a license solely on the basis that he or she has been convicted of a felony if he or she
8 has obtained a certificate of rehabilitation under Chapter 3.5 (commencing with
9 Section 4852.01) of Title 6 of Part 3 of the Penal Code or that he or she has been
10 convicted of a misdemeanor if he or she has met all applicable requirements of the
11 criteria of rehabilitation developed by the board to evaluate the rehabilitation of a
12 person when considering the denial of a license under subdivision (a) of Section 482.

13 (c) A board may deny a license regulated by this code on the ground that the
14 applicant knowingly made a false statement of fact required to be revealed in the
15 application for the license.

16 7. Section 482 of the Code states:

17 Each board under the provisions of this code shall develop criteria to evaluate
18 the rehabilitation of a person when:

19 (a) Considering the denial of a license by the board under Section 480; or

20 (b) Considering suspension or revocation of a license under Section 490.

21 Each board shall take into account all competent evidence of rehabilitation
22 furnished by the applicant or licensee.

23 8. Section 493 of the Code states:

24 Notwithstanding any other provision of law, in a proceeding conducted by a
25 board within the department pursuant to law to deny an application for a license or to
26 suspend or revoke a license or otherwise take disciplinary action against a person who
27 holds a license, upon the ground that the applicant or the licensee has been convicted
28 of a crime substantially related to the qualifications, functions, and duties of the
licensee in question, the record of conviction of the crime shall be conclusive
evidence of the fact that the conviction occurred, but only of that fact, and the board
may inquire into the circumstances surrounding the commission of the crime in order
to fix the degree of discipline or to determine if the conviction is substantially related
to the qualifications, functions, and duties of the licensee in question.

As used in this section, "license" includes "certificate," "permit," "authority,"
and "registration."

9. Section 2761 of the Code states:

The board may take disciplinary action against a certified or licensed nurse or
deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the
following:

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2 (f) Conviction of a felony or of any offense substantially related to the
3 qualifications, functions, and duties of a registered nurse, in which event the record of
4 the conviction shall be conclusive evidence thereof.
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8 10. Section 2762 of the Code states:

9 In addition to other acts constituting unprofessional conduct within the meaning
10 of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person
11 licensed under this chapter to do any of the following:

12 (a) Obtain or possess in violation of law, or prescribe, or except as directed by
13 a licensed physician and surgeon, dentist, or podiatrist administer to himself or
14 herself, or furnish or administer to another, any controlled substance as defined in
15 Division 10 (commencing with Section 11000) of the Health and Safety Code or any
16 dangerous drug or dangerous device as defined in Section 4022.

17 (b) Use any controlled substance as defined in Division 10 (commencing with
18 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous
19 device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner
20 dangerous or injurious to himself or herself, any other person, or the public or to the
21 extent that such use impairs his or her ability to conduct with safety to the public the
22 practice authorized by his or her license.

23 (c) Be convicted of a criminal offense involving the prescription, consumption,
24 or self-administration of any of the substances described in subdivisions (a) and (b) of
25 this section, or the possession of, or falsification of a record pertaining to, the
26 substances described in subdivision (a) of this section, in which event the record of
27 the conviction is conclusive evidence thereof.
28

11. Section 2765 of the Code states:

A plea or verdict of guilty or a conviction following a plea of nolo contendere
made to a charge substantially related to the qualifications, functions and duties of a
registered nurse is deemed to be a conviction within the meaning of this article. The
board may order the license or certificate suspended or revoked, or may decline to
issue a license or certificate, when the time for appeal has elapsed, or the judgment of
conviction has been affirmed on appeal or when an order granting probation is made
suspending the imposition of sentence, irrespective of a subsequent order under the
provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his
or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of
guilty, or dismissing the accusation, information or indictment.

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REGULATORY PROVISIONS

12. California Code of Regulations, title 16, section 1444, states:

A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. Such convictions or acts shall include but not be limited to the following:

(a) Assaultive or abusive conduct including, but not limited to, those violations listed in subdivision (d) of Penal Code Section 11160.

(b) Failure to comply with any mandatory reporting requirements.

(c) Theft, dishonesty, fraud, or deceit.

(d) Any conviction or act subject to an order of registration pursuant to Section 290 of the Penal Code.

13. California Code of Regulations, title 16, section 1445 states:

(a) When considering the denial of a license under Section 480 of the code, the board, in evaluating the rehabilitation of the applicant and his/her present eligibility for a license will consider the following criteria:

(1) The nature and severity of the act(s) or crime(s) under consideration as grounds for denial.

(2) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial which also could be considered as grounds for denial under Section 480 of the code.

(3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision (1) or (2).

(4) The extent to which the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.

(5) Evidence, if any, of rehabilitation submitted by the applicant.

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DRUG

14. Marijuana is a Schedule I controlled substance as designated by Health and Safety Code section 11054, subdivision (d)(13), and is a dangerous drug pursuant to Business & Professions Code section 4022.

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1 **FIRST CAUSE FOR DENIAL OF APPLICATION**

2 **(January 11, 2002 Criminal Conviction for DUI on October 20, 2001)**

3 15. Respondent's application is subject to denial under sections 480, subdivision (a)(1)
4 and 2671, subdivision (f) of the Code in that she was convicted of a crime substantially related to
5 the qualifications, duties, and functions of a registered nurse. The circumstances are as follows:

6 a. On or about January 11, 2002, in a criminal proceeding entitled *People of*
7 *the State of California v. Nora Korin Rosemeyer*, in San Diego County Superior Court, case
8 number CN136265, Respondent was convicted on her plea of guilty to violating Vehicle Code
9 section 23152, subdivision (b), driving with a blood alcohol concentration (BAC) of .08 percent
10 or more, a misdemeanor. The court dismissed an additional count of violating Vehicle Code
11 section 23152, subdivision (a), driving under the influence of alcohol, pursuant to a plea
12 agreement.

13 b. As a result of the conviction, on or about January 11, 2002, Respondent
14 was granted three years summary probation. Respondent was ordered to complete a three-month
15 First Conviction Program, a MADD Victim Impact Panel, and three days of public work service,
16 with credit for one day. Respondent was further ordered to pay \$1,500 in fees, fines and
17 restitution, and comply with standard DUI probation conditions.

18 **SECOND CAUSE FOR FOR DENIAL OF APPLICATION**

19 **(Illegal Possession of a Controlled Substance)**

20 16. Respondent's application is subject to denial under section 480, subdivision (a)(3)(A)
21 of the Code in that on or about February 8, 2002, Respondent illegally possessed marijuana. Such
22 conduct would be a ground for discipline under section 2762, subdivision (a) of the Code for a
23 licensed registered nurse. The circumstances are as follows:

24 a. On or about February 8, 2002, Respondent was cited by the Carlsbad Police
25 Department for unlawfully possessing marijuana while driving a motor vehicle.

26 b. On or about May 1, 2002, in a criminal proceeding entitled *People of the State*
27 *of California v. Nora Korin Rosemeyer*, in San Diego County Superior Court, case number
28 CN141395, the complaint was amended, nunc pro tunc, to include a charge for disturbing the

1 peace, Penal Code section 415, a misdemeanor, in place of the original charge of possession of
2 marijuana while driving (Veh. Code, § 23222(b)). Respondent was also charged with driving
3 without a valid driver's license (Veh. Code, § 12500(a)). Respondent pled guilty to both charges.
4 Respondent was sentenced to three years summary probation, ordered to pay fines, fees, and
5 restitution, and not use or possess any controlled substances without a valid prescription.

6 **THIRD CAUSE FOR FOR DENIAL OF APPLICATION**

7 **(July 28, 2004 Criminal Conviction for DUI on April 29, 2004)**

8 17. Respondent's application is subject to denial under sections 480, subdivision (a)(1)
9 and 2671, subdivision (f) of the Code in that she was convicted of a crime substantially related to
10 the qualifications, duties, and functions of a registered nurse. The circumstances are as follows:

11 a. On or about July 28, 2004, in a criminal proceeding entitled *People of the*
12 *State of California v. Nora Korin Rosemeyer*, in Orange County Superior Court, case number
13 04SM02432, Respondent was convicted on her plea of guilty to violating Vehicle Code section
14 23152, subdivision (b), driving with a BAC of .08 percent or more, a misdemeanor. The court
15 dismissed an additional count of violating Vehicle Code section 23152, subdivision (a), driving
16 under the influence of alcohol, pursuant to a plea agreement.

17 b. As a result of the conviction, on or about July 28, 2004, Respondent was
18 sentenced to serve 30 days in the Orange County Jail, with credit for 13 days, and granted three
19 years informal probation. Respondent was ordered to complete an 18-month Multiple Offender
20 Alcohol Program, and a MADD Victim Impact Panel. Respondent was further ordered to pay
21 fees, fines and restitution in the amount of \$1,432.50, and comply with enhanced DUI probation
22 conditions. On February 28, 2005, Respondent's probation was revoked for failure to enroll in
23 the alcohol program, complete the MADD Victim Impact Panel, or pay any fees, fines, and
24 restitution. On April 8, 2005, the court reinstated Respondent's probation allowing her to
25 complete the terms in San Diego County concurrent to the sentence in case number CN136265, as
26 described in paragraph 15, above. On April 10, 2006, Respondent's probation was revoked and
27 reinstated on the same terms, and she was sentenced to serve 27 days in the Orange County Jail.

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1 c. The facts that led to the conviction are that on or about April 29, 2004,
2 Respondent was arrested by the California Highway Patrol for driving under the influence of
3 alcohol with a BAC in excess of .08 percent.

4 **FOURTH CAUSE FOR FOR DENIAL OF APPLICATION**

5 **(January 17, 2008 Criminal Conviction for DUI on October 19, 2007)**

6 18. Respondent's application is subject to denial under sections 480, subdivision (a)(1)
7 and 2671, subdivision (f) of the Code in that she was convicted of a crime substantially related to
8 the qualifications, duties, and functions of a registered nurse. The circumstances are as follows:

9 a. On or about January 17, 2008, in a criminal proceeding entitled *People of*
10 *the State of California v. Nora Korin Rosemeyer*, in San Diego County Superior Court, case
11 number CN237121, Respondent was convicted on her plea of guilty to violating Vehicle Code
12 section 23152, subdivision (b), driving with a BAC of .08 percent or more, a misdemeanor. The
13 court found true the special allegation that Respondent was previously convicted of violating
14 Vehicle Code section 23152, subdivision (b) on January 11, 2002 and July 28, 2004, as described
15 in paragraphs 15 and 17, above, within the meaning of Vehicle Code sections 23626 and 23546.
16 The court also found true that Respondent's BAC was 0.15 percent or more, within the meaning
17 of Vehicle Code section 23578.

18 b. As a result of the conviction, on or about July 17, 2008, Respondent was
19 sentenced to serve 150 days in the custody of the Sheriff's Short Term Work Furlough Program,
20 and granted five years summary probation. Respondent was ordered to complete a Multiple
21 Conviction Program, and pay fees, fines and restitution in the amount of \$2,720. Respondent's
22 driver's license was suspended for three years. The court certified Respondent's BAC as .15
23 percent.

24 c. The facts that led to the conviction are that on or about the early morning
25 of October 19, 2007, a patrol officer with the Oceanside Police Department conducted a traffic
26 stop after he observed Respondent traveling eastbound in the westbound lanes of State Route 76.
27 Upon contact with Respondent, the officer noted that Respondent's eyes were watery and
28 bloodshot, she was unable to maintain her balance, and there was a strong odor of an alcoholic

1 beverage on Respondent's breath. Respondent admitted she had consumed alcohol prior to
2 driving. Respondent submitted to a series of field sobriety tests which she was unable to
3 complete as explained and demonstrated by the officer. Respondent refused to submit to a
4 preliminary alcohol screening test, which was a violation her probation. Respondent was arrested
5 for driving under the influence of alcohol.

6 **FIFTH CAUSE FOR FOR DENIAL OF APPLICATION**

7 **(Dangerous Use of Alcohol)**

8 19. Respondent's application is subject to denial under section 480, subdivision (a)(3)(A)
9 of the Code in that on or about October 20, 2001, April 29, 2004, and October 19, 2007, as
10 described in paragraphs 15, 17, and 18, above, Respondent used alcoholic beverages to an extent
11 or in a manner that was dangerous and injurious to herself and the public when she operated a
12 motor vehicle while impaired by alcohol. Such conduct would be a ground for discipline under
13 section 2762, subdivision (b) of the Code for a licensed registered nurse.

14 **SIXTH CAUSE FOR DENIAL OF APPLICATION**

15 **(Conviction of Alcohol-Related Offenses)**

16 20. Respondent's application is subject to denial under sections 480, subdivision (a)(3)(A)
17 of the Code in that on or about January 11, 2002, July 28, 2004, and January 17, 2008,
18 Respondent was convicted of criminal offenses involving the consumption of alcohol as
19 described in paragraphs 15, 17, and 18, above. Such conduct would be a ground for discipline
20 under section 2762, subdivision (c) of the Code for a licensed registered nurse.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Denying the application of Nora Korin Cordero, also known as Nora Korin Rosemeyer for a Registered Nurse License;
2. Taking such other and further action as deemed necessary and proper.

DATED: November 19, 2012

Louise R. Bailey
LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

SD2012704122

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JANUARY 2013
WILSON